

Abortion Stops in Texas After Supreme Court Inaction

Texas' ban on abortion after six weeks of pregnancy took effect today after the Supreme Court did not respond to an emergency request to block the law

Plaintiffs will keep fighting to block the law

09.01.2021 – (PRESS RELEASE) Today, Texas' radical [new abortion ban](#) (S.B. 8) took effect, forcing almost all abortion in Texas to come to an abrupt stop. On Monday, a coalition of abortion providers and advocates filed an [emergency request](#) asking the Supreme Court to block the law before it took effect, but the Court has yet to rule. Clinics across Texas were open and providing abortion care last night up until 11:59pm CT to ensure they could see as many patients as possible before the ban took effect.

A press call was held today with lawyers who are challenging and those affected by Texas' S.B. 8 to discuss its immediate impact on the ground upon taking effect today. **You can listen to the full call [here](#).**

The law bans abortion as early as six weeks into pregnancy—before many people even know they're pregnant. Approximately 85 to 90 percent of people who obtain abortions in Texas are at least six weeks into pregnancy, meaning this law will decimate abortion access in the state.

The law includes a bounty-hunting scheme, encouraging private individuals to sue anyone in Texas who violates the law. A reward of at least \$10,000 will be given to anyone who successfully sues a doctor, health center worker, or any person who helps someone obtain an abortion after six weeks of pregnancy. Lawsuits may be filed against a broad range of people, including: a person who drives their friend to obtain an abortion; abortion funds providing financial assistance to patients; health center staff; and even a member of the clergy who assists an abortion patient.

The average one-way driving distance for pregnant Texans seeking an abortion will now increase 20-fold, from 12 miles to 248 miles, according to new [research](#) from the Guttmacher Institute. Many neighboring states — where pregnant Texans will be forced to travel for care — have existing abortion restrictions that will compound the already-complex web of barriers to abortion care for those who have the means to travel.

Twelve other states have passed bans on abortion early in pregnancy, but all have been blocked in court and none have been allowed to take effect until now. Texas' ban is different because it allows private individuals to enforce the ban rather than state officials. Anti-abortion politicians designed the law this way to try to insulate it from federal court review. This is the second time abortion has been unavailable in Texas since *Roe v. Wade* was decided in 1973 — it was previously unavailable for a period of approximately one month during the [COVID-19 pandemic](#) due to an executive order halting all abortion procedures.

People struggling to make ends meet, people of color, and those living in rural areas, who already face the largest barriers to accessing health care, will be most harmed by this law, as traveling out of state for care will require additional expenses related to hotel stays, transportation, childcare, and lost wages. This abortion ban will force many Texans to carry pregnancies to term against their will – a burden that will fall hardest on Black women given the stark [disparities](#) in maternal mortality rates in Texas.

The plaintiffs in this case include Whole Woman’s Health and other Texas abortion providers, Texas abortion funds and support networks, doctors, health center staff, and clergy members. Plaintiffs are represented by the [Center for Reproductive Rights](#), Planned Parenthood Federation of America, the [Lawyering Project](#), the American Civil Liberties Union, the [ACLU of Texas](#), and Morrison & Foerster LLP. The defendants include every state court trial judge and county clerk in Texas, the Texas Medical Board, the Texas Board of Nursing, the Texas Board of Pharmacy, the attorney general, and the Director of Right to Life East Texas, who has already openly called for people to sue their local abortion providers under S.B. 8.

Timeline of the case:

- May 19: Texas Gov. Greg Abbott [signed](#) Senate Bill 8 into law.
- July 13: Plaintiffs [filed](#) the case in federal district court.
- August 4-5: The defendants filed four motions to dismiss, asking the district court to end the case.
- August 12: The federal district court judge scheduled a preliminary injunction hearing for August 30 to determine whether to block the law before it takes effect on September 1.
- August 25: The federal district court judge [denied](#) the defendants' motions to dismiss the case. Defendants immediately filed a notice of appeal with the Fifth Circuit, as well as a motion to stop all proceedings in the district court, including canceling the district court’s preliminary injunction hearing.
- August 27: The Fifth Circuit Court of Appeals issued [an order](#) stopping all proceedings in the district court, including canceling the district court’s preliminary injunction hearing. The court also denied the plaintiffs’ request to expedite the appeal of the defendants’ motion to dismiss. Without expediting the appeal process, the law could be in effect for months before the Fifth Circuit issues a decision.
- August 29: The plaintiffs filed for emergency relief with the Fifth Circuit, which was quickly [denied](#).

- August 30: The plaintiffs filed [an emergency request](#) with the U.S. Supreme Court, asking it to block the law before it can take effect on Wednesday or allow district court proceedings to resume.
- September 1: (Today) SB 8 took effect after the Supreme Court did not respond to plaintiffs' request before the law's effective date.

You can read the full complaint [here](#).

Quotes from plaintiffs and litigators:

Anna Rupani, co-Executive Director of Fund Texas Choice:

“Helping Texans get to their abortions is a form of radical self-care, as abortions help people thrive. Without action from the Court, countless pregnant Texans will be forced to flee the state for health care, while those who are unable to travel will be forced to remain pregnant and likely carry their pregnancy to term. Bans like this are racist, classist, and do not take into account the realities that Texans support abortion access. Fund Texas Choice is no stranger to bans like this, and is still committed to its mission of helping pregnant Texans get to care they need.”

Rupali Sharma, Senior Counsel and Director at the Lawyering Project:

“Texas has succeeded in depriving its citizens of fundamental rights that have been valued for generations. Without immediate action from the Supreme Court, countless Texans will have to flee the state for health care while those unable to travel will be condemned to forced pregnancy. It is a dark day for Texas and this country, but we are committing to standing with our partners in Texas in ensuring people get dignified health care.”

Amy Hagstrom Miller, president and CEO of Whole Woman's Health and Whole Woman's Health Alliance:

“We are heartbroken that this law has not yet been blocked. Last night, our waiting rooms were filled with patients and their loved ones, and our staff were pouring their hearts out trying to help every person they could up until 11:59 pm - the minute before SB 8 went into effect. But today, we will be forced to turn away most Texans seeking an abortion. Anti-abortion politicians in Texas can no longer hide behind the guise of health or safety -- this is an abortion ban, plain and simple. It robs Texans of their ability to make decisions about their health and their futures. We have been here before, and we'll continue serving our patients however we legally can and fighting for their right to safe, compassionate abortion care.”

Nancy Northup, president and CEO of the Center for Reproductive Rights:

“Right now, *Roe v. Wade* is effectively a dead letter in Texas. We are deeply concerned that the Supreme Court has yet to take action on our urgent request to enjoin Texas' near-total ban on abortions. Texas' pernicious abortion ban is now in effect, upending abortion care in the state, with devastating consequences for those without the means to go elsewhere to exercise their constitutional rights. Patients are panicking, with no idea

how they will get the abortion they need. This case is not over, and we will be continuing to fight in court until this law is struck down.”

Alexis McGill Johnson, president and CEO, Planned Parenthood Federation of America:

“Today is a dark day for the seven million women of reproductive age in Texas. We are deeply disappointed in the Supreme Court’s inaction, which has effectively banned most abortions in the state of Texas. The impact of this law cannot be understated — as of today, people in Texas will not have the right to make a meaningful decision about their health or their future — a constitutional right we’ve had for almost 50 years. We will continue to do everything we can to get patients the care they need, and we will continue fighting this cruel law in court.”

Adriana Piñon, policy counsel and senior staff attorney at the ACLU of Texas:

“The Supreme Court may soon grant our request for emergency relief and prove that it has not quietly turned its back on fifty years of legal precedent. But even that would be cold comfort for the pregnant Texans in desperate need of care right now, and particularly for the people of color and people with low incomes yet again forced to confront a legal and political system that has failed them. Today, thousands of Texans are sitting at their kitchen tables, trying to crunch the numbers to figure out whether they can travel hundreds of miles out of state for time-sensitive health care. In a state suffering from a severe maternal mortality crisis, particularly for Black women, stripping away critical medical care will have deadly consequences. We will continue to fight sleeplessly until Texans’ fundamental rights are restored.”